STATE OF NORTH CAROLINA WAKE COUNTY NOT THE MARKET OF THE MARKET OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO.: 10 CVS
THE NORTH CAROLINA STATE BAR, Petitioner	• .
v. ALBERT M. NEAL, Jr., Attorney,	CONSENT ORDER OF PRELIMINARY INJUNCTION
Respondent	

THIS MATTER came on for consideration by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Jennifer A. Porter. Respondent, Albert M. Neal, Jr., appeared *pro se*. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Albert M. Neal, Jr. ("Neal"), was licensed to practice law in North Carolina in 1973.
- 2. Neal practices law in Chandler, North Carolina. The State Bar's membership database shows the following address for Neal: Post Office Box 1455, Chandler, NC 28715. Neal has a physical location of 9 Ashbury Road, #103, Candler, NC 28715.
 - 3. Neal was entrusted to maintain and appropriately disburse trust funds for the benefit of Gilbert Acee, first in 2004 by power of attorney and then in 2005 also as trustee of the trust established under Mr. Acee's mother's will for Mr. Acee's benefit.
 - 4. The State Bar has received evidence indicating that funds held in trust or otherwise for the benefit of Mr. Acee were mishandled by Neal.
 - 5. Neal desires to cooperate with the State Bar.
 - 6. A need for prompt action exists to ensure that further entrusted funds are not mishandled.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

- 1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo and to ensure that no entrusted or fiduciary funds are mishandled.
- 2. Neal should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.
- 3. To assist the State Bar's analysis of his trust and operating accounts and his handling of Mr. Acee's funds, Neal should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited or in which mishandled client or fiduciary funds have been deposited and with all records related in any way to Mr. Acee's funds.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Albert M. Neal, Jr. is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the Court.
- 2. Albert M. Neal, Jr. is enjoined from serving in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-in-fact, until further order of this Court.
- 3. Albert M. Neal, Jr. or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Neal's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 4. Albert M. Neal, Jr. or any other person having custody or control of records relating to any account into which mishandled client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Neal's financial records relating to any account into which mishandled

client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.

- 5. Albert M. Neal, Jr. or any other person having custody or control over records relating to individuals for whom he has provided legal or fiduciary services shall produce to the North Carolina State Bar for inspection and copying all records and documents including but not limited to client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.
- 6. If Neal does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Neal's expense.
- 7. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the Flag day of May , 2010.

Superior Court Judge, Presiding

WE CONSENT:

Jennifer A. Porter Deputy Counsel

Attorney for Petitioner

Albert M. Neal, Jr.

Respondent